

Applicant: Frederick Burg
Application Serial No.: 10/828,397
Filing Date: April 20, 2004
Docket No.: 1209-134
Reply to Non-Final Office Action mailed April 9, 2007
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REMARKS

Pursuant to the non-final Office Action mailed April 9, 2007, Applicant requests reconsideration. To further prosecution of this application, each of the issues raised in the Office Action is addressed herein.

Claims 1-41 are currently pending in this application, of which Claims 1, 20, and 32 are independent claims. By this Amendment, Claims 33 and 41 have been amended to address the Examiner's objections. The application as now presented is believed to be in allowable condition.

A. Objections to the Claims

Claims 32 and 41 were objected to due to various informalities. However, it appears that Claim 33 rather than Claim 32 recites the limitation "the called network device". Accordingly, Claims 33 and 41 have been amended to overcome the objections. Therefore, it is respectfully submitted that the objections to Claim 33 and 41 have been obviated.

B. Claim Rejections under 35 U.S.C. §102

Claims 1-19 and 32-39 were rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,532,286 to Burg (*Burg*).

However, it is submitted that *Burg* has the same inventive entity as the subject application. Therefore, *Burg* should not be available as a prior art reference against the subject application under 35 U.S.C. §102(a) or (e) in accordance with MPEP §706.02(a).

C. Claim Rejections under 35 U.S.C. §103

Claims 20-31 were rejected under 35 U.S.C. §103(a) as being unpatentable over *Burg* in view of U.S. Patent No. 6,879,683 to Fain et al. (*Fain*).

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However, as indicated above, it is submitted that *Burg* should not be available as a prior art reference against the subject application since *Burg* and the subject application share the same inventive entity. Further, as both *Burg* and the subject application were commonly owned at the time the invention was made, it is submitted that *Burg* should be disqualified as prior art under 35 U.S.C. §103(c) in accordance with MPEP §706.02(l).

Applicant respectfully notes that in order to support a claim of *prima facie* anticipation, a single reference must teach or enable each of the claimed elements as arranged in the claim interpreted by one of ordinary skill in the art. Further, in order to support a claim of *prima facie* obviousness, the cited references must teach or suggest each and every element of the invention, and there must be a motivation in the references or the prior art to combine the references and the prior art as suggested.

However, nothing in the art of record including *Burg*, *Fain*, and U.S. Patent No. 6,631,188 to Sands (*Sands*) would teach or suggest either alone or in combination, the claimed invention defined by Claims 1, 20, and 32.

Applicant respectfully submits that Claims 2-19, which ultimately depend from Claim 1, Claims 21-31, which ultimately depend from Claim 20, and Claims 33-41, which ultimately depend from Claim 32, are patentable over the art of record by virtue of their dependence. Further, Applicant submits that Claims 2-19, 21-31, and 33-41 define additional patentable subject matter in their own right. Therefore, it is respectfully requested that the rejection of Claims 1-19 and 32-39 under 35 U.S.C. §102(e) and the rejection of Claims 20-31 under 35 U.S.C. §103(a) be reconsidered and withdrawn.

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Conclusion

Entry of the amendments to Claims 33 and 41; favorable consideration of Claims 33 and 41, as amended; favorable reconsideration of Claims 1-32 and 34-40; and allowance of pending Claims 1-41 are solicited.

In view of the foregoing amendments and remarks, the subject application should now be in condition for allowance. A notice to this effect is respectfully requested. If the Examiner believes, after this Amendment, that the application is not in condition for allowance, the Examiner is requested to call the Applicant's attorney at the telephone number provided below to discuss any outstanding issues.

Respectfully submitted,



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